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| 10/092,703   | 03/05/2002  | Jin Yong Kim         | 2080-3-69           | 2493             |
| 35884 7590 09/09/2009<br>LEE, HONG, DEGERMAN, KANG & WAIMEY<br>660 S. FIGUEROA STREET<br>Suite 2300<br>LOS ANGELES, CA 90017 |             |                      |                     |                  |
| EXAMINER<br>AGUSTIN, PETER VINCENT   |             |                      |                     |                  |
| ART UNIT   |             | PAPER NUMBER         |                     |                  |
| 2627   |             |                      |                     |                  |
| NOTIFICATION DATE  |             | DELIVERY MODE        |                     |                  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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# Office Action Summary

## Application No.

10/092,703

## Applicant(s)

KIM, JIN YONG

## Examiner

Peter Vincent Agustín

## Art Unit

2627

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1, 4, 7, 8 and 10-26 is/are pending in the application.
- 4a) Of the above claim(s) 11-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 7, 8, 10 and 23-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1, 4, 7, 8 & 10-26 are currently pending, with claims 11-22 withdrawn from consideration, and claims 1, 4, 7, 8, 10 & 23-26 being examined.

#### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 26 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 26 recites that the read-only recording medium comprises a lead-in area, a main data area, and a lead-out area, wherein *the first and second data types are located at the main data area* of the read-only recording medium. The examiner recognizes that optical recording media of the type disclosed by the applicant typically include a lead-in area, a main data area, and a lead-out area, and therefore, these elements are likely inherent in applicant's invention. However, it is noted that the applicant is completely silent regarding the specific arrangement of the lead-in area, main data area, and lead-out area, in relation to the first and second data types, and there is no such disclosure of *the first and second data types being located at the main data area*. Applicant notes that new claim 26 has support in canceled claim 2 as originally filed. However, original claim 2 merely recites that "the first data type area is a recording area" without any mention of the second data type.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 4, 7, 8, 10 & 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heemskerk et al. (US 6,628,584) in view of the admitted prior art and Lee et al. (US 6,442,128).

In regard to claim 1, Heemskerk et al. disclose a read-only recording medium (abstract, line 1: "a record carrier of a read-only type") comprising a plurality of predetermined data units (Figure 3), wherein one of the plurality of predetermined data units comprises a first data type (information units 32, 34, 36) and a second data type (linking areas 33 & 35), the first data type including user data (column 4, line 55: "information unit"), and the second data type linking the first data type and not containing the user data (column 1, lines 58-60: "the area between the information units does not contain valid information, and is called a linking area"), wherein the first data type comprises at least one error correcting code (ECC) data unit (column 3, lines 44-46: "the unit comprises a number of frames which contain Error Correction Codes") on which an error correction is performed, the at least one ECC data unit comprises a plurality of sub-units (it is well known that in optical storage media, each ECC data unit comprises "sectors"), and wherein a total size of the first data type and the second data type is equal to a size of a predetermined data unit to be used in a writable recording medium (abstract, lines 3-5: "the information unit is the minimal unit for error correction according to a format for writable record

carriers”; column 3, lines 60-65: “the linking area is introduced in the read-only record carrier having the same or similar contents as the writable record carrier”, “the read device does not have to detect which type of record carrier is to be read, as the format of data storage is equal”), which is a counterpart of the read-only recording medium (abstract: “compatibility with recordable record carriers”), the predetermined data unit comprising the user data and invalid data (column 1, lines 58-60: “the area between the information units does not contain valid information, and is called a linking area”).

In regard to claim 4, Heemskerk et al. disclose that the second data type (linking areas 33 & 35) comprises the invalid data (column 1, lines 58-60: “the area between the information units does not contain valid information, and is called a linking area”), wherein a size of the second data type is equal to a size of the invalid data of the predetermined data unit to be used in the writable recording medium (column 3, lines 60-65: “the linking area is introduced in the read-only record carrier having the same or similar contents as the writable record carrier”).

In regard to claim 7, Heemskerk et al. disclose that a size of the second data type is equal to a size of the invalid data to be allocated intermittently (column 1, lines 58-60: “the area between the information units does not contain valid information, and is called a linking area”, i.e., linking areas are intermittently allocated between information units) in the user data of the writable recording medium (column 3, lines 60-65: “the linking area is introduced in the read-only record carrier having the same or similar contents as the writable record carrier”).

In regard to claim 8, Heemskerk et al. disclose that a data of a predetermined pattern is formed in the second data type repeatedly (column 5, lines 7-9: “the run-in field and the run-out field [which belong to the linking area] may be filled with a predetermined pattern of marks”).

In regard to claim 10, Heemskerk et al. disclose that the data of the predetermined pattern is used for servo-control (column 5, line 19: “access control data”).

In regard to claim 26, Heemskerk et al. disclose that the read-only recording medium comprises a main data area (shown in Figure 3), wherein the first and second data types are located at the main data area of the read-only recording medium (as shown).

However, Heemskerk et al. do not disclose: in regard to claim 1, (a) that a size of the second data type is the same as a size of each of the plurality of sub-units, and (b) that the second data type comprises identification information for detecting the second data type when the plurality of predetermined data units are reproduced; in regard to claim 23, that the second data type has a length of 2K bytes or less; in regard to claim 24, that the second data type has a same size as one sub-unit; in regard to claim 25, that the sub-unit is a sector; and in regard to claim 26, a lead-in area and a lead-out area.

The admitted prior art discloses: in regard to claim 1(a), a size of a second data type (see Figure 2, which shows a “linking loss area” having a size of 2 kB) being the same as a size of each of plurality of sub-units (see Figure 1, which shows that one sector is 2kB); in regard to claim 23, a second data type having a length of 2K bytes or less (see Figure 2 and page 3, last paragraph through page 4, first paragraph: “linking loss area”); in regard to claim 24, that the second data type has a same size as one sub-unit (note that one sector of Figure 1B is 2kB); and in regard to claim 25, that the sub-unit is a sector (see Figure 1). It would have been obvious to one of ordinary skill in the art at the time of invention to have applied these teachings of the admitted prior art to the recording medium of Heemskerk et al., the motivation being to provide

sufficient buffering, thereby preventing erroneous reproduction of data (page 4, second paragraph).

Lee et al. disclose: in regard to claim 1(b), identification information (Figure 2) for detecting a second data type (see b28, which indicates linking data). It would have been obvious to one of ordinary skill in the art at the time of invention to have applied this teaching of Lee et al. to the read-only recording medium of Heemskerk et al., the motivation being to distinguish between rewriteable, read-only, or linking data on an ID area where information relating to basic recording units is stored on a unit-by-unit basis (column 2, lines 50-55).

Lee et al. disclose: in regard to claim 26, a lead-in area and a lead-out area (see Figure 2). It would have been obvious to one of ordinary skill in the art at the time of invention to have used a lead-in area and a lead-out area with the recording medium of Heemskerk et al., as suggested by Lee et al., the motivation being to enable management of information and accessing control of information stored in the recording medium (these are well known purposes of lead-in and lead-out areas).

### ***Response to Arguments***

6. Applicant's arguments filed on June 24, 2009 have been fully considered but they are not persuasive.

(a) In response to applicant's note (see page 7) that the examiner has not acknowledged the applicant's claim for foreign priority in any of the office actions, the applicant is directed to pages 1 & 2 of the office action mailed on November 2, 2005, wherein receipt of the foreign priority documents was acknowledged.

(b) In response to applicant's argument on page 8 that Heemskerk fails to disclose the recitation in amended claim 1 "a size of the second data type is the same as a size of each of the plurality of sub-units", and that Lee fails to cure this deficiency, as noted in the rejection above, the examiner acknowledges and concedes that Heemskerk et al. do not disclose: in regard to claim 1, that a size of the second data type is the same as a size of each of the plurality of sub-units. However, as noted in the rejection, the admitted prior art is relied upon for teaching this missing feature. Figure 2 of the admitted prior art shows a "linking loss area" (corresponding to the claimed second data type) having a size of 2 kB, which is the same as a size of the sectors (corresponding to the claimed "sub-units") shown in Figure 1 of the admitted prior art.

(c) In response to applicant's statement on page 9 that new claim 26 has support in canceled claim 2 as originally filed, as noted in the 112-1<sup>st</sup> paragraph rejection above, original claim 2 merely recites that "the first data type area is a recording area" without any mention of the second data type. There is no such disclosure of *the first and second data types being located at the main data area*, as also noted by the examiner in the previous office action.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after



the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Vincent Agustin whose telephone number is (571) 272-7567. The examiner can normally be reached on Monday-Thursday 8:00 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on (571) 272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Peter Vincent Agustin/  
Primary Examiner, Art Unit 2627